

STATE OF SOUTH CAROLINA)	
COUNTY OF RICHLAND)	BEFORE THE STATE ETHICS COMMISSION
)	
IN THE MATTER OF:)	
COMPLAINT C2014-067)	
)	
)	
Sharon W. Holloway,)	CONSENT ORDER
Respondent.)	
)	
State Ethics Commission,)	
Complainant.)	
_____)	

This matter comes before the State Ethics Commission ("Commission") by virtue of a complaint filed by the Commission on December 17, 2013. The complaint against the Respondent, Sharon W. Holloway, (hereinafter, "Respondent"), was considered by the Commission on March 19, 2014, and probable cause was found to warrant an evidentiary hearing. Prior to the call of the case, Respondent agreed to entry of the following statements of fact, conclusions of law, discussion, and disposition in this matter.

STATEMENTS OF FACT

1. The Respondent was a candidate for the Saluda County School District and she was required to file a pre-election Campaign Disclosure Report ("CDR") 15 days before the election. As the Respondent's primary election date was November 6, 2012, the CDR was due on October 22, 2012.
2. On August 15, 2013, a \$100 penalty was assessed against the Respondent for her failure to file the CDR. The Commission notified the Respondent by letter of the violation and penalty.
3. On August 22, 2013, Respondent amended her 2008 CDR. However, the Commission was unable to accept this as the CDR for the 2012 election.



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4. On August 23, 2013, a Commission staff member spoke with Respondent and explained to her the pre-election campaign disclosure requirement and her continued non-compliance.
5. On September 19, 2013, the Commission sent Respondent a letter by certified mail which was a second notice regarding her continued failure to file a CDR. This letter was returned to the Commission as unclaimed on or about October 18, 2013. Therefore, the letter was re-mailed by First Class Mail on October 21, 2013.
6. On October 23, 2013, the Commission sent Respondent a letter instructing her to file the 2012 CDR because her amendment to the 2008 CDR could not be accepted.
7. On October 30, 2013, Respondent paid the Commission the \$100 penalty.
8. On November 1, 2013, the penalty for non-compliance began to accrue at \$10 per day and on November 11, 2013 it began to accrue at \$100 per day.
9. On December 17, 2013, a complaint was filed by the Commission against the Respondent.
10. On January 2, 2014, a Commission investigator contacted the Respondent by telephone. She was informed of the late CDR and the accruing penalties. She stated she would comply. That same day, she did comply by filing the CDR, but the outstanding penalty remains at \$4,900.00.

CONCLUSIONS OF LAW

Based upon the Statement of Facts, the Commission concludes, as a matter of law:

1. During all times relevant, Respondent was a candidate, as defined by S.C. Code Ann. § 8-13-1300(4)(Supp. 2013).
2. The State Ethics Commission has personal and subject matter jurisdiction.



3. Section 8-13-1308(D) provides that a candidate must file a pre-election campaign disclosure from 15 days before the election.

DISCUSSION

The Respondent admits that she inadvertently violated Section 8-13-1308(D). In mitigation, Respondent states that because of extenuating medical circumstances she did not receive numerous Commission letters informing her of non-compliance. Respondent states that in 2013 she was diagnosed with colon cancer, and thereafter underwent surgery and began an intense program of chemotherapy. Between September 24, 2013 and May 30, 2014, she was either in the hospital or receiving intensive outpatient services, and therefore was solely focused on treatment and missed numerous letters sent to her by the Commission.

Respondent further states that prior to this time period of intensive treatment, in August 2013, she attempted to file the CDR by amending her 2008 CDR to reflect the required information for her 2012 report. She acknowledges a conversation with a Commission staff member who informed her that it was unable to accept the amended 2008 CDR. However, as a result of Respondent's increased focus on her medical circumstances, she failed to properly follow up with the necessary steps to ensure compliance.

Respondent acknowledges that the CDR was due in October 2012, which was prior to her cancer diagnosis the following year. Still, she states that but for the illness, she would have remedied the problem prior to the complaint stage and the resulting penalty would have been minimal. Indeed, she stresses that once she received actual notice of the Complaint after speaking with a Commission investigator, she remedied the situation the same day.



In asking for leniency from the Commission, Respondent wishes to stress the unique burden the chemotherapy and related treatment placed on her. Due to these circumstances, she is asking that the Commission consider a significant reduction in the penalty.

DISPOSITION

The State Ethics Commission hereby finds Respondent Sharon W. Holloway in violation of Section 8-13-1308(D), albeit inadvertent, of the Ethics Reform Act and hereby adopts the Statements of Fact, Conclusions of Law, Discussion, and Disposition as agreed upon by the Respondent.

THEREFORE, the State Ethics Commission hereby issues this written warning to Sharon W. Holloway for violation of Section 1308(D) of the Ethics Reform Act,

AND, orders Respondent to pay a late filing penalty of \$400.00 and an administrative fee of \$100.00 within 30 days of receipt of the signed order.

AND IT IS SO ORDERED THIS 22nd DAY OF April 2015.

STATE ETHICS COMMISSION


JAMES WARREN, CHAIR


SHARON W. HOLLOWAY